

**U.S. DISTRICT COURT FOR WESTERN DISTRICT
OF PENNSYLVANIA**

WARREN DURHAM, JR.,

CIVIL ACTION

Plaintiff,

No.: 04-297E

-vs-

Judge Sean J. McLaughlin/Magistrate Judge
Susan Paradise Baxter

CITY OF ERIE, PENNSYLVANIA,
COUNTY OF ERIE, PENNSYLVANIA,
CHRISTOPHER McELYNN, BRUCE
TACKETT, JAMES WASHBURN,
PATRICK DURKIN, and FRED P.
ANTHONY,

Defendants.

MOTION TO COMPEL PLAINTIFF TO ATTEND DEPOSITION

AND NOW come the Defendants, James Washburn and Patrick Durkin, by and through their counsel, Law Office of Joseph S. Weimer and Edmond R. Joyal, Jr., Esquire, and move this Honorable Court to order Plaintiff, Warren Durham, Jr. to appear for his deposition in Erie, Pennsylvania, on June 8, 2006.

As grounds for this Motion, these Defendants state that Plaintiff has filed a Motion for Reconsideration of the Court's Ruling on the Motion for Sanctions and the scheduling of the deposition prior to May 30, 2006, was unable to be arranged.

WHEREFORE, the Defendants James Washburn and Patrick Durkin respectfully request this Honorable Court enter an Order Compelling the Plaintiff, Warren Durham, Jr. to appear in Erie, Pennsylvania on June 8, 2006 for the taking of his deposition.

LAW OFFICE OF JOSEPH S. WEIMER

BY: s/Edmond R. Joyal, Jr.

Edmond R. Joyal, Jr., Esquire

Pa. I.D. #65907

Attorney for Defendants, City of Erie
and James Washburn and Patrick Durkin

975 Two Chatham Center

Pittsburgh, PA 15219

(412) 338-3184

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO COMPEL PLAINTIFF TO ATTEND DEPOSITION has been served by First Class Mail, postage pre-paid, upon the following parties on this 30th day of May, 2006.

Warren Durham, Jr.
12119 Matherson Avenue
Cleveland, OH 44135
(Pro Se Plaintiff)

A. Taylor Williams, Esquire
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1515 Market Street, Suite 1414
Philadelphia, PA 19102
(Counsel for Defendant, Judge Fred P. Anthony)

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Office of the Attorney General
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564 Forbes Avenue
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(Counsel for Defendant, Bruce Tackett)

LAW OFFICE OF JOSEPH S. WEIMER

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